

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

UNITED STATES OF AMERICA,)
vs.)
Plaintiff,)
vs.)
LISA MONTGOMERY,)
Defendant.)
Case No. 05-6002-CV-SJ-GAF

ORDER

Now pending before the Court are four pretrial motions filed by Defendant Lisa Montgomery:

- (1) Motion to Strike Aggravating Factor Related to Killing During Kidnapping Due to Duplication of Element of Offense (Doc. #185);
- (2) Defendant's Motion to Strike Aggravating Factor Related to Danger to Another Person (Doc. #186);
- (3) Defendant's Motion to Strike Aggravating Factor Related to Killing During Kidnapping (Doc. #187); and
- (4) Defendant's Motion to Prohibit Seeking the Death Penalty Due to Inability of Government to Establish Essential Element That Death Results From Kidnapping (Doc. #188).

On September 10, 2007, United States Magistrate Judge John T. Maughmer issued his Report and Recommendation (Doc. #268). On September 12, 2007, Defendant Lisa Montgomery filed her Objections to the Magistrate's Report and Recommendation Regarding

Montgomery's Motion to Strike Aggravating Factor Related to Killing During Kidnapping Due to Duplication of Element of Offense (Doc. #270).

Upon careful and independent review of the pending motions and suggestions in support thereof, Defendant's objections to the Magistrate's Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge John T. Maughmer.

Accordingly, it is hereby ORDERED that Defendant Lisa Montgomery's Motion to Strike Aggravating Factor Related to Killing During Kidnapping Due to Duplication of Element of Offense (Doc. #185); Motion to Strike Aggravating Factor Related to Danger to Another Person (Doc. #186); Motion to Strike Aggravating Factor Related to Killing During Kidnapping (Doc. #187); and (4) Motion to Prohibit Seeking the Death Penalty Due to Inability of Government to Establish Essential Element That Death Results From Kidnapping (Doc. #188) are OVERRULED and DENIED.

IT IS SO ORDERED.

s/ Gary A. Fenner
GARY A. FENNER, JUDGE
UNITED STATES DISTRICT COURT

DATED: September 13, 2007